

REMARKS

Applicants first thank Examiner Bennett and Examiner Kishore for the helpful interview conducted May 1, 2001. The following remarks and the enclosed Declaration Under 37 C.F.R. §1.132 are offered in light of the interview. Claims 1, 13, 14 and 16 were amended to delete the phrase "and adjacent tissues". Claims 8 and 12 were amended to delete the phrase "cosmetically useful additives" and this language has been incorporated into new claims 17 and 18. Claims 1-18 are now pending. The amendments to claims 8 and 12 were made for clarity and were not made for reasons related to the statutory requirements for a patent.

THE REJECTIONS

Claims 1-8 and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Witbeck et al., U.S. Patent No. 5,508,027 in further view of Bonfield et al., U.S. Patent No. 5,728,753. Claims 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Witbeck et al., and Bonfield et al., in further view of Zook, U.S. Patent No. 5,181,914. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Witbeck et al., and Bonfield et al., in further view of Shepherd et al., U.S. Patent No. 3,914,405. Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Witbeck et al., and Bonfield et al., in further view of LeGrow, U.S. Patent No. 5,403,402. Applicants respectfully traverse these rejections.

Claim 1 is directed to a method for treating nails comprising applying a composition comprising an effective, nail-enhancing amount of non-interlinked particles of bioactive glass to the nails for a suitable amount of time. Independent claim 14 is directed to a method for treating nails in mammals other than humans comprising applying a composition comprising an effective, nail-enhancing amount of non-interlinked particles of bioactive glass to the nails for a suitable amount of time. Independent claim 16 relates to a method for treating nails comprising applying a composition comprising an effective, nail-enhancing amount of



bioactive extract to the nails for a suitable amount of time. These methods allow enhancement of the hardness and durability of the nail body.

Witbeck relates to methods and compositions for strengthening nails by the periodic application of synthetic gums or acrylic polymer films on the nail body. The compositions may contain an alkali metal base and a volatile fragrance. The process and compositions of Witbeck involve the use of polymers and films to coat nails, not bioactive glass.

Bonfield relates to a bioactive composite material for the repair of hard and soft tissues. The compositions contain a combination of a polyolefinic binder with certain bioactive glass materials. The composites bond actively with soft tissues, and facilitate the production of implants tailored for highly specific medical requirements.

As discussed at the interview, Bonfield does not teach that use of bioactive glass as claimed would penetrate into the pores of nails as found by the present inventors. Neither Bonfield nor Witbeck disclose the nail enhancing ability of bioactive glass discovered by the present inventors. Moreover, Applicants submit herewith the enclosed declaration which provides comparative data as requested at the interview showing that neither a solution including calcium ions alone nor a solution of bionert glass has the effect of bioactive glass on nails. Such a finding is not taught by and would not have been obvious from Bonfield or Witbeck or a combination thereof.

Since the combination of Witbeck and Bonfield would not have made the claimed invention obvious, Applicants respectfully request that each of the rejections be withdrawn. In light of the enclosed declaration and the above amendments, Applicants believe the claims are now allowable.

Applicants believe they have responded to all matters raised in the above referenced Office Action and that the application is now in condition for allowance. If the Examiner

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has any questions concerning this Application or this Reply and Amendment, she is invited to contact the undersigned.

Respectfully submitted,

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